

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IP@

Applicant: Joseph M. Pastore et al.

Title: METHOD AND APPARATUS FOR MODULATING CELLULAR METABOLISM DURING POST-ISCHEMIA OR HEART FAILURE

Docket No.: 279.606US1

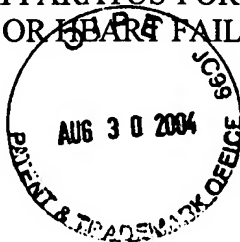
Filed: August 21, 2003

Examiner: Unknown

Serial No.: 10/645,823

Due Date: N/A

Group Art Unit: 3763



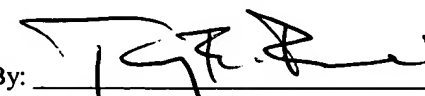
MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

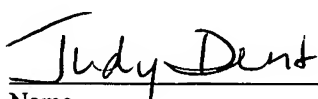
- ☒ A return postcard.
- ☒ A Communication Concerning Co-Pending Applications (2 pgs.).
- ☒ An Information Disclosure Statement (2 pgs.), Form 1449 (7 pgs.), and copies of 48 cited documents.

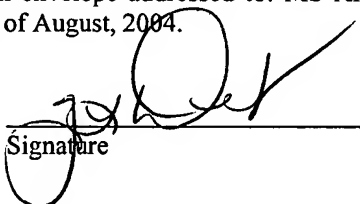
If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
Customer Number 21186

By: 
Atty: Timothy E. Blanchi
Reg. No. 39,610

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26 day of August, 2004.


Name


Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
(GENERAL)



S/N 10/645,823

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph M. Pastore et al. Examiner: Unknown
Serial No.: 10/645,823 Group Art Unit: 3763
Filed: August 21, 2003 Docket: 279.606US1
Title: METHOD AND APPARATUS FOR MODULATING CELLULAR
METABOLISM DURING POST-ISCHEMIA OR HEART FAILURE

COMMUNICATION CONCERNING CO-PENDING APPLICATION(S)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants would like to bring to the Examiner's attention the following related application(s)
in the above-identified patent application:

<u>Serial/Patent No.</u>	<u>Filing Date</u>	<u>Attorney Docket</u>	<u>Title</u>
09/422433 6,361,522	October 21, 1999	279.155US1	DRUG DELIVERY SYSTEM FOR IMPLANTABLE CARDIAC DEVICE
09/740129 6,689,117	December 18, 2000	279.238US1	DRUG DELIVERY SYSTEM FOR IMPLANTABLE MEDICAL DEVICE
09/962852	September 25, 2001	279.335US1	EVOKED RESPONSE SENSING FOR ISCHEMIA DETECTION
10/079056	February 19, 2002	279.384US1	CHRONICALLY-IMPLANTED DEVICE FOR SENSING AND THERAPY
10/184019	June 28, 2002	279.432US1	METHOD AND APPARATUS FOR DELIVERING PRE-SHOCK DEFIBRILLATION THERAPY
09/999260	November 30, 2001	279.155US2	DRUG DELIVERY SYSTEM FOR IMPLANTABLE CARDIAC DEVICE
10/293907	November 12, 2002	279.449US1	IMPLANTABLE DEVICE FOR DELIVERING CARDIAC DRUG THERAPY

COMMUNICATION CONCERNING RELATED APPLICATIONS

Serial Number: 10/645,823

Filing Date: August 21, 2003

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Dkt: 279.606US1

Title: METHOD AND APPARATUS FOR MODULATING CELLULAR METABOLISM DURING POST-ISCHEMIA OR HEART FAILURE

10/172825	June 14, 2002	279.448US1	METHOD AND APPARATUS FOR DETECTING OSCILLATIONS IN CARDIAC RHYTHM
10/742574	December 19, 2003	279.626US1	DRUG DELIVERY SYSTEM AND METHOD EMPLOYING EXTERNAL DRUG DELIVERY DEVICE IN CONJUNCTION WITH COMPUTER NETWORK
10/435487	May 9, 2003	279.255US2	TECHNIQUE FOR DISCRIMINATING BETWEEN COORDINATED AND UNCOORDINATED CARDIAC RHYTHMS
10/862716	June 7, 2004	279.697US1	METHOD AND APPARATUS TO MODULATE CELLULAR REGENERATION POST MYOCARDIAL INFARCT
10/743507	December 22, 2003	279.238US2	DRUG DELIVERY SYSTEM FOR IMPLANTABLE MEDICAL DEVICE

Respectfully submitted,
JOSEPH M. PASTORE ET AL.

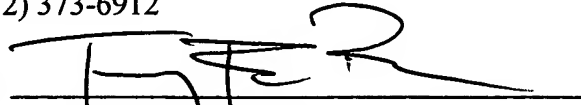
By Applicants' Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6912

Date

Aug 23, 2004

By



Timothy E. Bianchi
Reg. No. 39,610

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Name


Signature

SIPE
AUG 30 2004
PATENT & TRADEMARK OFFICE
SN 10/645823

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Joseph M. Pastore et al.	Examiner:	Unknown
Serial No.:	10/645823	Group Art Unit:	3763
Filed:	August 21, 2003	Docket:	279.606US1
Title:	METHOD AND APPARATUS FOR MODULATING CELLULAR METABOLISM DURING POST-ISCHEMIA OR HEART FAILURE		

INFORMATION DISCLOSURE STATEMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 19-0743 in order to have this Information Disclosure Statement considered.

INFORMATION DISCLOSURE STATEMENT

Serial No :10/645823

Filing Date: August 21, 2003

Title: METHOD AND APPARATUS FOR MODULATING CELLULAR METABOLISM DURING POST-ISCHEMIA OR HEART FAILURE

Page 2

Dkt: 279.606US1

The present application is either a U.S. national patent application filed after June 30, 2003 or an international application that entered the national stage under 35 U.S.C. § 371 after June 30, 2003.

Thus, Applicant believes that the U.S. Patent & Trademark Office has waived the requirement under 37 C.F.R. 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication. The waiver is provided in a pre-OG notice from the U.S. Patent & Trademark Office entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003" and dated July 11, 2003. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

JOSEPH M. PASTORE ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6912

Date

Aug 23, 2004

By

Timothy E. Bianchi

Timothy E. Bianchi
Reg. No. 39,610

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Name

Judy Dent

Signature

[Signature]

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/645,823
Filing Date	August 21, 2003
First Named Inventor	Pastore, Joseph
Group Art Unit	3763
Examiner Name	Unknown

Sheet 1 of 8

Attorney Docket No: 279.606US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date If Appropriate
	US-2001/0000802	05/03/2001	Soykan, O., et al.	623	1.13	12/20/2000
	US-2002/0026228A1	02/28/2002	Schauerte, P.	607	122	11/30/2000
	US-2002/0031827A1	03/14/2002	Kanno, Shinichi, et al.	435	446	05/15/2001
	US-2002/0124855	09/12/2002	Chachques, Juan C.	128	898	03/11/2002
	US-2003/0004403	01/02/2003	Drinan, D., et al.	600	301	10/29/2001
	US-2003/0060854A1	03/27/2003	Zhu, Qingsheng	607	25	09/25/2001
	US-2003/0069606A1	04/10/2003	Girouard, Steven D., et al.	607	3	05/31/2002
	US-2004/0002739A1	01/01/2004	Cates, Adam W., et al.	607	6	06/28/2002
	US-2004/0059391A1	03/25/2004	Sweeney, Robert J., et al.	607	27	09/26/2003
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	US-4,146,029	03/27/1979	Ellinwood Jr., E. H.	128	260	05/31/1977
	US-4,281,664	08/04/1981	Duggan, Stephen R.	128	696	05/14/1997
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	US-4,556,063	12/03/1985	Thompson, D. L., et al.	128	419 PT	12/07/1984
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EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional) 2 Applicant is to place a check mark here if English language Translation is attached

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/645,823
Filing Date	August 21, 2003
First Named Inventor	Pastore, Joseph
Group Art Unit	3763
Examiner Name	Unknown

Sheet 2 of 8

Attorney Docket No: 279.606US1

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EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/645,823
Filing Date	August 21, 2003
First Named Inventor	Pastore, Joseph
Group Art Unit	3763
Examiner Name	Unknown

Sheet 3 of 8

Attorney Docket No: 279.606US1

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	US-6,161,042	12/12/2000	Hartley, J. W., et al.	607	20	05/21/1999
	US-6,168,801	01/02/2001	Heil, Jr., Ronald W., et al.	424	426	03/19/1999
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	US-6,200,265	03/13/2001	Walsh, K. K., et al.	600	300	04/16/1999
	US-6,203,495	03/20/2001	Bardy, Gust H.	600	301	07/26/1999

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

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STATEMENT BY APPLICANT**

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Application Number	10/645,823
Filing Date	August 21, 2003
First Named Inventor	Pastore, Joseph
Group Art Unit	3763
Examiner Name	Unknown

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Group Art Unit	3763
Examiner Name	Unknown

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Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
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First Named Inventor	Pastore, Joseph
Group Art Unit	3763
Examiner Name	Unknown

Sheet 6 of 8

Attorney Docket No: 279.606US1

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Application Number 10/645,823

Filing Date August 21, 2003

First Named Inventor Pastore, Joseph

Group Art Unit 3763

Examiner Name Unknown

Sheet 7 of 8

Attorney Docket No: 279.606US1

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
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